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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )  
10 v. ) 2:11-CR-063-JCM-(CWH)  
11 DAVID EVANS, )  
12 Defendant. )  
\_\_\_\_\_

13 **AMENDED PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on June 1, 2011, defendant DAVID EVANS pled guilty to Counts One  
15 through Three of a Three-Count Criminal Indictment charging him in Count One with Conspiracy to  
16 Commit Trafficking in, Production and Use of Counterfeit Access Devices and Fraudulent  
17 Transactions with Access Devices Issued to Other Persons in violation of Title 18, United States Code,  
18 Sections 371 and 1029(a)(1) and (5); in Count Two with Fraudulent Transactions with Access Devices  
19 Issued to Other Persons in violation of Title 18, United States Code, Section 1029(a)(5); and in Count  
20 Three with Trafficking in, Production and Use of Counterfeit Access Devices in violation of Title 18,  
21 United States Code, Section 1029(a)(1). Criminal Indictment, ECF No. 1; Minutes of Change of Plea  
22 Proceedings, ECF No. 57; Plea Memorandum, ECF No. 59.

23 This Court finds defendant DAVID EVANS agreed to the forfeiture of the property set forth  
24 in Forfeiture Allegations of the Criminal Indictment and the Bill of Particulars and agreed to in the  
25 Plea Memorandum.

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1        This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of  
2 America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the  
3 Criminal Indictment and the offenses to which defendant DAVID EVANS pled guilty.

4        The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
5 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section  
6 982(a)(2)(B); and Title 18, United States Code, Section 1029(c)(1)(C):

- 7            1.        Motorola cell phone S/N SJUG5546AF;
- 8            2.        Blackberry cell phone IMEI# 358453021785810;
- 9            3.        Any and all funds in Bank of America account 5010-0002-7032 in the  
10            amount of \$4,453.94;
- 11            4.        \$10,940 in United States Currency (seized from Joseph Ramirez);
- 12            5.        Glock 21, serial number NHP 408 (with 2 magazines);
- 13            6.        Dragonov rifle, serial number D029-75 (with scope and 2 magazines);
- 14            7.        Two swords in case, unknown make/model;
- 15            8.        Ammo can with .308 rounds;
- 16            9.        2005 Black Harley Davidson Sportster, VIN# 1HD1CGP195K453157;
- 17            10.       Any and all funds in Bank of America Account No. 11020-11128 in the  
18            amount of \$15,035.38;
- 19            11.       Any and all funds in Bank of America Account No. 5010-0865-1073 in the  
20            amount of \$2,897.31;
- 21            12.       2007 Grey Dodge Ram, 1500 Quad Cab, VIN# 1D7HA18267S266252;
- 22            13.       Black 1999 RE/MAX International Convention laptop bag;
- 23            14.       Unitech MSR206u magnetic card reader;
- 24            15.       Magnetic card reader power cord;
- 25            16.       Magnetic card reader USB connection cord;
- 26            17.       Magnetic card reader VGA connection cord;

- 1 18. Three Players Club cards;
- 2 19. Package of velcro wire retention straps;
- 3 20. Toshiba Satellite laptop, model number PSL2XU, serial number
- 4 X5110890W;
- 5 21. Laptop power cord;
- 6 22. Several sheets of adhesive label paper;
- 7 23. Nokia cell phone;
- 8 24. Camel cigarette pack containing 17 Players Club cards with
- 9 PIN numbers written on back, as follows:
  - 10 Players Club card with PIN number 1234
  - 11 Players Club card with PIN number 6280
  - 12 Players Club card with PIN number 4270
  - 13 Players Club card with PIN number 2323
  - 14 Players Club card with PIN number 2222
  - 15 Players Club card with PIN number 3251
  - 16 Players Club card with PIN number 1961
  - 17 Players Club card with PIN number 2210
  - 18 Players Club card with PIN number 9433
  - 19 Players Club card with PIN number 1937
  - 20 Players Club card with PIN number 1110
  - 21 Players Club card with PIN number 5181
  - 22 Players Club card with PIN number 0823
  - 23 Players Club card with PIN number 7777
  - 24 Players Club card with PIN number 5117
  - 25 Players Club card with PIN number 1723
  - 26 Players Club card with PIN number 3188;

- 1 25. Disk located in disk drive of Toshiba laptop, identified as MSR 206U 1.
- 2 Demo 2. Programmer's Manual 3. USB Driver; and
- 3 26. An *in personam* criminal forfeiture money judgment of \$863,895.00 in United
- 4 States Currency ("property").

5 This Court finds the United States of America is now entitled to, and should, reduce the  
6 aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
8 United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
10 DAVID EVANS in the aforementioned property is forfeited and is vested in the United States of  
11 America and shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
13 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
14 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state  
15 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
16 the name and contact information for the government attorney to be served with the petition, pursuant  
17 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
19 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
21 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
22 following address at the time of filing:

23 Michael A. Humphreys  
24 Assistant United States Attorney  
25 Daniel D. Hollingsworth  
26 Assistant United States Attorney  
Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
3 following publication of notice of seizure and intent to administratively forfeit the above-described  
4 property.

5 DATED September 6, 2012.

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9 UNITED STATES DISTRICT JUDGE

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## PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individuals were served with a copy of the foregoing on September 4, 2012, by the below identified method of service:

**CM/ECF:**

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/s/ Elizabeth Baechler-Warren  
Elizabeth Baechler-Warren  
Forfeiture Support Associate Paralegal